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ABSTRACT

This booklet gives general information on the provisions of the laws relating to the work force of New York State. Presented in a question-and-answer format, the booklet provides information on the following laws: minimum wages, prevailing wage rate, payment of wages, hours of work--meal periods, employment of minors, industrial homework, employment agencies, health and safety, the state job service, job training, unemployment insurance, workers' compensation, disability benefits, and labor relations. A list of addresses for state department of labor offices is also provided. (KC)

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How the New York State Labor Law Protects You

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NY State Department of Labor

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STATE OF NEW YORK
Mario M. Cuomo, Governor

DEPARTMENT OF LABOR
Thomas F. Hartnett, Commissioner

How the
NEW YORK STATE LABOR LAW
Protects YOU

This booklet was prepared and distributed by the Office of Communications, New York State Department of Labor, W. Averell Harriman State Office Building Campus, Albany, New York 12240-0012.

It is intended to give general information on the provisions of the state laws relating to the work force of New York. Space limitations require that certain details be omitted, and the statements are not to be construed as official interpretations of the complete law. As changes occur frequently, readers should consult the appropriate offices, as indicated, for later or more detailed information.

Additional copies of this booklet are available upon request from the office listed above or from the Office of Communications, state Department of Labor, One Main Street, Brooklyn, New York 11201.

If you do not wish to obtain additional copies of this booklet but require the entire state Labor Law, please send a check or money order for $5 payable to the state Department of Labor:

New York State Department of Labor
Office of Communications
W. Averell Harriman
State Office Building Campus
Albany, New York 12240-0012

A Message from Governor Mario M. Cuomo

"Every worker in New York State has certain rights, privileges and protections guaranteed under our Labor Laws. This booklet clearly defines and explains how New York's Labor Laws affect each and every one of us. Use this booklet as a guide to know your rights in the workplace."

A Message from Commissioner Thomas F. Hartnett

"Every person who has either held a job or looked for a job in New York State has concerns and questions about their employment rights. Some of the questions we hear most often include:

- ☐ What compensation am I entitled to if I am injured on the job?
- ☐ What is being done to protect my health if I work with hazardous materials?
- ☐ How old do I have to be before I can work full time?
- ☐ What are my rights if I am suddenly laid off?
- ☐ Can my employer force me to work overtime or take work home with me?

The Department of Labor has compiled this guide to help answer these and many other questions you may have about working in New York. Use this guide and know your rights. It is the best protection you can have in the workplace."

DEPARTMENT OFFICES

- ALBANY
  State Campus 12240
- BINGHAMTON
  40-42 Main Street 13905
- BROOKLYN
  One Main Street 11201
- BUFFALO
  65 Court Street 14202
- HEMPSTEAD
  175 Fulton Avenue 11550
- ROCHESTER
  155 W. Main Street 14614
- SYRACUSE
  333 E. Washington Street 13202
- UTICA
  207 Genesee Street 13501
- WHITE PLAINS
  30 Glenn Street 10603

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New York State Department of Labor
Mario M. Cuomo, Governor Thomas F. Hartnett, Commissioner

Minimum Wages

What minimum wage must I be paid?
You must be paid a statutory minimum of $3.35 per hour under New York State's Minimum Wage Law. (This rate also applies to most farm workers for whom there is a separate minimum wage law).

Are there requirements for other rates, such as for overtime work?
Yes. In addition to the statutory hourly rate, there are provisions for overtime and other supplemental wages in New York State industry wage orders. Other supplemental wages may include a part time rate, daily call-in pay, rate for split shift or spread of hours and a rate for maintenance of required uniforms. Whether a particular supplemental rate applies to your work depends on the provisions of the wage order covering the industry in which you are employed.

Are tips and meals part of the minimum wage?
Yes. But only in specific fields and occupations. Waiters, for example, should receive at least the minimum wage less specified allowances for tips and meals.

Are all workers in New York State covered by the state minimum wage requirements?
All workers are covered, including most domestic workers. Exceptions: part time baby-sitters in the home of the employer; companions to sick or elderly people, who live in the home of an employer and whose principal duties do not include housework; also excluded are executives, administrators and professionals, outside salespersons, taxicab drivers, ministers and members of religious orders, government employees (except certain non-teaching employees employed by a school district or board of cooperative educational services); also if working in nonprofit institutions, volunteers, learners and apprentices, and students are excepted. There are certain other minor exceptions.

If I am covered by the federal minimum wage law, does the state law apply to me?
Yes. You are under the full protection of the state minimum wage orders including their supplemental wage provisions. Also, compliance with the New York State requirements does not excuse employers from complying with federal requirements.

What should I do if I think I am getting less than the law requires?
The state Labor Department will help collect underpayments for workers

who have not received the minimum wage required by law. Generally, the department collects around a half million dollars a year in minimum wage underpayments for many thousands of workers.

If you have any questions, call or write:

New York State Department of Labor
Division of Labor Standards
One Main Street
Brooklyn, N.Y. 11201
(718) 797-7499

New York State Department of Labor
Division of Labor Standards
W. Averell Harriman
State Office Building Campus
Albany, N.Y. 12240-0122
(518) 457-2730

Prevailing Wage Rate

What is meant by the prevailing wage rate?
This term, rather than the term minimum wage, is used in reference to wage and fringe benefits paid workers employed on certain public work projects, such as construction of roads and buildings. They must receive at least the wage rate and fringe benefits of workers in the same trade or occupation as established by collective bargaining agreements between bona fide labor unions and employers of the private sector in the locality where the work is to be done.

What is meant by public work?
Public work means construction work on projects on behalf of a governmental agency including the state, cities, counties, towns, villages, water districts, school districts, and any agency, commission or authority created by the laws of New York State. Included are highways, state institutions, schools and bridges.

How do I know whether I am receiving the prevailing wage rate?
All contractors performing public work are required to post a list of occupations and wage rates in a prominent place on the job site. You may check the rate you are receiving against the rate shown on the schedule for your occupation.

When can an employer pay an apprenticeship rate?
Only employees who are individually registered as apprentices with the Commissioner of Labor may be classified as apprentices and paid the prevailing rate for apprentices.

Are some service employees also covered by a prevailing wage rate?
Yes. Building service employees, such as building cleaners, watchmen, guards and porters, employees who collect garbage and employees who transport office furniture and equipment are covered. Also covered are employees who deliver fuel oil. These employees must be paid the prevailing wages and fringe benefits if they work on state or local government projects in excess of $1,500. In the case of a city contract, the law is administered by the city comptroller.

For additional information write to:

New York State Department of Labor
Bureau of Public Work
W. Averell Harriman
State Office Building Campus
Albany, N.Y. 12240-0130
(518) 457-5589

Payment of Wages

If my employer owes me wages, how do I collect this money?
The law says that you must receive all wages due you. The law also authorizes the state Labor Department to help you collect any wages due if you file a wage claim at the department office nearest to you. This applies to all workers, including domestics, employees of nonprofit-making institutions, and executives and professionals who earn $400 a week or less.

What deductions can be made from my wages?
No deductions may be made from wages, except deductions which are required by law such as social security and income tax, and deductions which are authorized in writing by the employee and are for the benefit of the employee. Such authorized deductions may include payments for insurance premiums, pension, contributions to charitable organizations, payment for U.S. bonds, payment for union dues, and similar payments for the benefit of the employee. An employer, for example, may not deduct from a worker's wages the cost of breakage or spoilage of

materials. Nor may an employer make wage deductions in any indirect manner, such as by requiring a worker to reimburse him for shortages. This is specifically forbidden by a provision of law.

Can my employer demand a kick-back of any part of my wages, or require me to turn over any part of my tip earnings?
It is unlawful for your employer, or any other person, to demand or accept any part of your wages as a condition of your getting or keeping your job. Another law also makes it unlawful for your employer, or any other person, to demand or accept any part of your tip earnings. This prohibition does not apply to hat checking. The law permits practices, however, where a fixed percentage of a patron's bill is added for gratuities distributed to employees in connection with special functions such as banquets. Voluntary sharing of tips by a waiter with a busboy or similar employee is also permissible.

Must I receive equal pay for equal work?
The New York State equal pay law prohibits differentials in pay based on sex. It provides that men and women doing equal work in the same establishment on jobs requiring equal skill, effort and responsibility, and which are performed under similar working conditions, must be paid at the same rate of pay. The law permits differences in wages based on a seniority system, a merit system, a system measuring earnings by quantity or quality of production, or on any factor other than sex.

Does my employer have to pay me every week?
If you are a manual worker, you must be paid weekly and not later than seven calendar days after the end of the week in which you earned the wages, except that if you work for a non-profit organization you must be paid at least semi-monthly. Under certain conditions, firms employing an average of one thousand or more employees in New York State during the preceding three years, may apply to the State Labor Department for permission to pay its workers no less frequently than semi-monthly. If you are a commission salesperson, you must be paid at least once a month and not later than the last day of the month following the month in which commissions were earned. If you work for a railroad or sleeping car firm, you must be paid every Thursday the wages earned up to the Tuesday of the week before. Office workers and all other employees must be paid at such times as agreed by employee and employer but at least semi-monthly.

Does the law say whether I must be paid in cash or by check?
You must be paid in cash unless your employer has obtained a permit to pay wages by check from the state Labor Department. The cash payment requirement does not apply to employees working on a farm not connected with a factory; nor to executive, administrative, and professional employees earning more than $300 per week.

Employers may also deposit your net wages in a bank or other financial insitution but only with your advance written consent.

Does my employer have to give me a wage statement?
Yes. All employers must provide their employees with a wage statement with every payment of wages. Generally, the statement must show the hours worked, rates paid, gross wages, deductions and net wages. Also, employers must furnish a commission salesperson, upon request, a statement of earnings paid or due and unpaid.

Must I be paid for holidays and vacations?
Only if your employer has agreed to provide such pay. An employer is required to notify employees in writing or by publicly posting the employer's policy on sick leave, vacation, personal leave, holiday and hours. Under the law, an employer must provide the benefits and wage supplements he has agreed to. Wage supplements include but are not limited to reimbursement for expenses, health, and welfare benefits, and vacation or holiday pay. The state Department of Labor will help you collect any unpaid benefits or wage supplements due you under your employment agreement. Generally, the Department of Labor collects around two million dollars a year in unpaid wages and benefits.

For more information about wage payments call or write:

New York State Department of Labor
Division of Labor Standards
One Main Street
Brooklyn, N.Y. 11201
(718) 797-7499

New York State Department of Labor
Division of Labor Standards
W. Averell Harriman
State Office Building Campus
Albany, N.Y. 12240-0122
(518) 457-2730

Hours of Work; Meal Periods

Are there any restrictions on how many hours I may work, or when I may work?
If you are over 18 years of age, there are no hours of work or nightwork restrictions for men or women. In certain industries and occupations, you must receive 24 consecutive hours of rest in each calendar week.

Must I be given rest periods and a lunch period?
The law does not require that you be given "breaks" or rest periods. However, you must receive an uninterrupted meal period of at least one half hour. If you work more than a four hour shift which starts before 11 a.m. and ends after 2 p.m., you should receive your meal period between 11 a.m. and 2 p.m. Generally, if you work shifts which exceed six hours, you must be allowed to take your meal period midway between the beginning and end of the shift.

For more information about meal periods and day of rest regulations, call or write:

New York State Department of Labor
Division of Labor Standards
One Main Street
Brooklyn, N.Y. 11201
(718) 797-7499

New York State Department of Labor
Division of Labor Standards
W. Averell Harriman
State Office Building Campus
Albany, N.Y. 12240-0122
(518) 457-2730

Employment of Minors

How old must a person be to be permitted to work?
The law prohibits employment of anyone under 14, either after school or during vacation. However, there are certain exceptions. Boys and girls 11 years of age or older are permitted to deliver newspapers and magazines to homes or business places. They are also permitted to deliver "penny-

savers," shopping newspapers and similar advertising material. Children 12 or 13 years old may be employed harvesting berries, fruits, and vegetables. Special provisions are made for child performers at theatrical, television, or radio performances and for child models.

When are working papers required?
Working papers must be obtained by children under 18, including high school graduates, before they may begin work. Exceptions are made for caddies and baby sitters, for children doing casual household chores, and for children older than 16 engaged in farm work. Also exempt are college students 16 years of age or over who are employed by a nonprofit college or university or fraternity, sorority, student association, or faculty association.

Who issues working papers?
They are issued through the local school system; you can get the information you need at the office of the school you attend. If you are not attending school, obtain the address of the certificating office from the school nearest your home.

Must I obtain an employment certificate each time I change jobs?
Generally, certificates may be used for more than one job in the same type of work. Working papers are generally valid for up to two years and must be returned to you by the employer when you leave your job.

When can children under 16 work?
Youngsters less than 16 years old may be employed after school hours or during vacations.

When is full time, year around work permitted for minors?
Children 17 years of age may work full time throughout the year. Children 16 years of age may work full time during vacations and when they are no longer attending school.

Does the law set limits on working hours for minors?
Yes. When school is in session, minors 14 and 15 years old may not work more than three hours on a school day, eight hours on Saturday or a non-school day, or more than 23 hours a week. (If the minor is employed as part of the supervised work study program approved by the State Education Department, he or she may work four hours on a school day and 28 hours a week.) For 16-year-old minors attending school, the limits are four hours on a school day, eight hours on Saturday or a non-school day, or a total of 28 hours a week. When school is not in session and during vacations, minors under 18 may not generally work more than eight hours

a day or six days a week. Minors 14 and 15 may not work more than 40 hours a week or after 7 p.m. Generally a 16 or 17 year old may work 48 hours a week but not after midnight.

What kind of work is prohibited to minors?

Minors 14 and 15 may work in stores and offices and other places, but not in a factory workroom. They may do delivery or clerical work in an enclosed office of a factory, and in dry cleaning stores, shoe repair shops, and similar service stores. They may mow lawns, do yard work and other household chores. They may not do factory work, or operate washing, grinding, cutting, slicing, pressing or mixing machinery, or do painting or exterior cleaning in connection with the maintenance of a building or structure.

Minors 16 and over may do factory work. However, minors under 18 are prohibited from working in certain hazardous occupations such as those at construction work, or in the operation of certain power driven machinery, or in the operation of circular saws, or as a helper on a motor vehicle. An exception is provided for minors enrolled in approved apprenticeship or cooperative vocational training programs. There is also an exception for minors 16 to 18 years of age who are enrolled in an approved on-the-job training program or who have completed a training program given by a non-profit institution which includes safety instruction approved by the Commissioner of Labor.

For more information about employment of minors, call or write:

New York State Department of Labor
Division of Labor Standards
One Main Street
Brooklyn, N.Y. 11201
(718) 797-7499

New York State Department of Labor
Division of Labor Standards
W. Averell Harriman
State Office Building Campus
Albany, N.Y. 12240-0122
(518) 457-2730

Industrial Homework

What is industrial homework?
Industrial homework is any work done in your home on an article which belongs to an employer or with materials supplied by the employer, and which is returned to him or delivered, mailed, or shipped to others. It includes the preparing, altering, repairing, finishing, assembling, or handling of articles, and inserting, collating and similar work in the direct mail industry.

Can anyone do industrial homework?
No. Only those employers who hold permits to distribute homework may employ homeworkers. The homeworker must obtain, through the employer, a homeworker's certificate issued by the Commissioner of Labor. The homeworker must be at least 16 years old. If he or she is between 16 and 18 years, an Employment Certificate also is required. In some industries, such as the glove and artificial flower industries, there are additional restrictions. Homes in which industrial homework is to be done may be inspected by representatives of the Commissioner of Labor.

Homework is not permitted in any home that is unsanitary or where there is an infectious or communicable disease.

Employers who violate the Industrial Homework Law may be assessed a civil penalty of up to $2,500 for each violation.

How can I obtain a certificate to do industrial homework?
If you find a job with a firm that holds a current homework permit, the employer may make application for a homeworker's certificate for you.

For more information about industrial homework regulations, call or write:

New York State Department of Labor
Division of Labor Standards
One Main Street
Brooklyn, N.Y. 11201
(718) 797-7499

Employment Agencies

Is there a state law governing private employment agencies?
Yes. State law fixes the maximum fee an employment agency may charge a job applicant. Another protection in the law prohibits agencies from misrepresenting jobs. These agencies must be licensed.

What fee must I pay to an employment agency?
Fees are based upon the amount of wages and type of job you will receive. For example: for an unskilled manual job, the maximum fee is 10 percent of the first full month's wages; for an office or clerical job, the fee ranges from 25 percent to 60 percent depending upon the amount of the first full month's wages. Fee schedules must be posted in employment agencies. The law also requires that an employment agency give a job applicant a copy of any contract signed by the applicant.

When must I pay the fee?
It must be paid in equal installments at the end of each pay period during the first 10 weeks of employment. An advance fee may be required for domestic, manual and industrial workers, except that domestic workers brought from out of state by an employment agency may pay in four equal installments or, if brought from outside the continental United States, in six equal monthly installments.

What fee do I pay if my job does not last?
If you lose your job through no fault of yours, the maximum fee will be 10 percent of your total wages. But, if you are discharged for cause or quit without good cause, a higher fee of 50 percent of your total earnings may be charged. In no case, may you be charged more than the maximum or agreed fee if less than the maximum fee. Special termination rates apply to persons brought from outside the continental United States.

Do I pay a fee if I am a domestic worker employed on a day-to-day basis and am transported to and from the job by the employment agency?
You are not required to pay any fee. The law covering such domestic workers provides for flat sum fees which are payable only by your employer. Neither you nor your employer may be charged the cost of transportation.

What special provisions are made for domestic workers brought by an employment agency from out of state?
The agency must inform such workers in writing, before they come to New York, of the following:

1) the nature and duties of the job;

2) the wages they may expect to receive;

3) the amount they will have to pay the agency as its fee;

4) the amount they will have to repay for transportation costs which were advanced;

5) the amount of any other advances or charges they will have to pay;

6) when they will have to pay the agency fee, transportation costs, and any other advances or charges.

Are there additional protections for out-of-state domestics?
Yes. The employment agency may recruit only persons more than 18 years of age and must provide, at its own expense, suitable lodging and meals to them for any time they have not been placed in jobs during the first 30-day period after they arrive, or provide transportation for them to return home. For domestics recruited from outside the continental United States, somewhat similar protections for a 90-day period also include hospitalization coverage.

Who enforces the law on employment agencies?
The state Labor Department enforces the law throughout the state except in New York City, where the law is enforced by the city Department of Consumer Affairs, 80 Lafayette Street.

For more information on employment agencies, call or write:

New York State Department of Labor
Division of Labor Standards
One Main Street
Brooklyn, N.Y. 11201
(718) 797-7499

Health and Safety

What is the Labor Department's responsibility for protecting workers on the job and the general public from safety and health hazards?

The state Labor Law contains sections related to public and occupational safety and health and gives the state Department of Labor responsibility for their enforcement. A recent program added to this law is the Public Employee Occupational Safety and Health Program. Under its provisions all employees of the state and local governments are protected in the workplace by the same standards promulgated by the U.S Labor Department's Occupational Safety and Health Administration (OSHA) for private industry. State Department of Labor safety and health personnel inspect for violations of the New York State Right to Know Law.

Other responsibilities of the state Labor Department related to public and occupational safety and health are contained, for the most part, in Industrial Code Rules. These are actually safety and health standards and cover such particular equipment, operations and facilities as: elevators; mines, sand, gravel, crushed stone and quarry operations; certain boilers; ski tows and passenger tramways; places of public assembly; window cleaning operations; aerial performers; certain coin-operated machines; transparent glass doors; amusement devices and temporary structures at carnivals, fairs and amusement parks; bridges and tunnels; certain types of lasers and ionizing radiation; and the possession, storage and transportation of explosives. Unless otherwise specified in the code rules, the standards apply throughout New York State.

What is the Labor Department's role in asbestos projects in New York State?

The Labor Department's asbestos control program protects the public during the installation, removal, encapsulation, application or disturbance of any asbestos or asbestos-containing material. The state Labor Law requires that employers who participate in asbestos projects obtain an asbestos-handling license, and that all workers employed on an asbestos project have an asbestos handler's certificate. In addition, the law authorizes the department to inspect ongoing or completed asbestos projects and to conduct investigations, either self-initiated or on receipt of a complaint.

Does the state Labor Department have any role in federal OSHA (Occupational Safety and Health Act) programs?

Under an agreement between the U.S. Labor Department and the New York State Department of Labor, state inspectors are available to

employers as consultants on OSHA standards. Upon request of an employer, a state consultant will visit the employer's establishment, identify conditions which are unsafe and which violate federal standards, and recommend methods of abating hazards found during the visit.

To obtain such services or for more information about worker safety or health, call or write:

New York State Department of Labor
Division of Safety and Health
W. Averell Harriman
State Office Building Campus
Albany, N.Y. 12240-0100
(518) 457-2574

State Job Service

What kind of jobs are handled by the state Job Service?
Every kind of job is included: part-time and full-time, temporary and permanent; jobs for unskilled labor, highly skilled labor and professionals; also, jobs for those who need special services, such as the disabled, the younger worker and the older worker.

What about services for veterans?
Helping to find jobs for returning servicemen and women has top priority with the state Job Service. In addition to having a legal right to return to their old jobs, veterans must receive preference over non-veterans in job placement and training services provided by the Job Service.

What is TOPS?
The Terminal On-Line Placement System (TOPS) is a computerized means of recording, filing and retrieving information about jobs, applicants and applicant services. Through this system, an employment interviewer can look at a specific job order or applicant record within seconds. All records can be updated immediately to reflect the most recent additions and changes. Job matching is a feature of TOPS that provides for an on-line listing of qualified applicants to meet an employer's job order requirements. TOPS is designed so that all job order and applicant information can be accessed from any Job Service office in the state.

Does the State of New York assist unemployed persons in finding work?
Yes. The New York State Job Service (an arm of the state Labor Department's Job Service and Training Division) maintains offices throughout the state to assist both employers and employees in job placement. It is also affiliated with a nationwide network of state Job Service agencies.

Can I get special help in finding a job if I have a physical, mental or emotional disability?
Yes. Interviewers or counselors are available in each office of the New York State Job Service. They are trained in selective placement, which either helps you to obtain a suitable job or helps you to decide on a plan which may lead to a job. For more information about employment of the handicapped, call or write your nearest state Job Service office.

Is there a fee for this service?
No. There is never a fee for this service. For more information call the state Job Service office nearest your home. All offices are listed in the telephone directory under New York State Department of Labor.

Job Training

Will the state Job Service give me special help if I have lost my job because of foreign imports?
Yes. Under the Trade Act of 1974, workers who lose their jobs, or whose hours of work and wages are reduced as a result of trade with other countries, may apply for worker adjustment assistance. This includes training and counseling to improve your job prospects, as well as weekly living allowances and funds for necessary transportation and living expenses while you look for other work. To file a claim for trade readjustment assistance, go to the nearest state Unemployment Insurance office.

How does the U.S. Worker Readjustment and Retraining Notification Act (WARN) help me if I have lost my job because of a plant closing or mass layoff?
The Act requires businesses of 100 or more employees to provide 60-day advance notice to the affected state, the local chief elected official of the community and the company's employees when a plant closing or mass layoff is planned. A mass layoff must affect at least 33 percent of the full-time employees *and* at least 50 full-time employees or at least 500

full-time employees. The law took effect February 4, 1989. Early notice enables the Labor Department to provide job search and training assistance before layoffs begin, and to coordinate other kinds of support services with government agencies at the local and state levels.

What is JTPA and what training is available to workers in New York State?

JTPA is a major government program that provides job training for the economically disadvantaged, dislocated persons and others with barriers to employment. JTPA stands for Job Training Partnership Act, a federal law which furnishes funds to Service Delivery Areas that represent towns, cities and counties; other training providers; and state government to provide training and jobs. In addition to JTPA there are several other programs available through the state Department of Labor to assist workers in learning skills or trades, including apprenticeship and services available under the State Manpower Training Act. All these programs are without cost to you.

Who qualifies for JTPA?

You may be eligible to participate in JTPA if you are 16 years old or older, although certain JTPA programs permit 14 and 15 year olds to participate. You must also be economically disadvantaged or a member of an economically disadvantaged family, as defined by JTPA, and either unemployed, underemployed or receiving public assistance.

Certain programs may also serve clients who are not economically disadvantaged but who have other barriers to employment.

What kinds of training programs could I enter?

There are many types of training available, depending on your needs and qualifications. Most of these are carried out under the JTPA program. These include: classroom training, on-the-job training, work experience, Vocational Exploration and apprenticeship training.

What is classroom training?

Classroom training may combine basic or refresher educational classes with vocational training in a particular skill or may consist of vocational training alone. It is designed to provide individuals with technical skills and information required to perform a specific job or group of jobs.

What is on-the-job training?

On-the-job training is given in an actual work situation. It is intended primarily for those who lack the related education, training and work experience for the jobs being offered. You are paid a wage while you learn. As you work you are taught the skills of the job.

What is work experience?
Work experience refers to a short-term or part-time assignment with an employing agency. Designed to help you become better acquainted with the world of work, this experience is provided to those who have never worked, or who have not worked for a long time.

What is vocational exploration?
Vocational exploration is a program designed to expose participants to the operations and types of jobs available in private industry through observation of such jobs and instruction including, where appropriate, practical experience.

What is apprenticeship training?
Under the apprenticeship program you systematically learn all the skills of a trade or craft while working for an employer. The training can last from one to six years, depending on the trade. As an apprentice you earn a good hourly rate and receive periodic wage increases. At the end of the training period you become a "journeyman" or "craftsman" and can be paid the full wage rate for that trade. Apprenticeship programs registered with the state Department of Labor must abide by prescribed standards, including regulations forbidding discrimination.

Can veterans receive special benefits while in training?
Yes. Eligible veterans enrolled in approved programs of apprenticeship or other training on the job may receive a monthly training assistance allowance. This allowance is paid to the veteran regardless of, and in addition to, the regular wages paid by the employer. Qualified veterans may also receive benefits while attending approved vocational training in a public or private vocational school. Approval authority for this type of training is exercised by the New York State Department of Education.

Is there a training program I can enter and still receive unemployment insurance benefits?
Yes. Under the Unemployment Insurance Law persons who are out of work, eligible for unemployment insurance and unable to do their normal work, or unable to find year-round jobs in their regular work, may continue to receive unemployment benefits while attending approved courses. These may be vocational training courses or brush-up courses in reading, writing or arithmetic. However, if the training involves tuition, and is not one of the government sponsored programs described above, you must pay the tuition.

I am a mature person who has been a homemaker for the last several years, caring for my family. I had been financially dependent on my spouse, but I have since lost that source of income and now must enter the labor market. Is there any program that can help me?

Yes. A program for "displaced" homemakers, who have been dependent on the income of another family member but are no longer supported by such income due to death, divorce, separation or disability, provides job counseling, training, placement and a variety of other services at Service Centers for Displaced Homemakers.

For further information contact:

Bradlee White
Coordinator, Displaced Homemaker Program
State Department of Labor
55 West 125th Street
New York, N.Y. 10027
(212) 870-8188

What types of programs are available for youth?

School to Employment Program

A state funded program to provide employment and training to economically disadvantaged youth ages 16-18 as an incentive to remain in school or to return to school.

Adolescent Vocational Exploration Program

A state funded private sector career education program for 14-17 year olds who are potential school dropouts to define and clarify their career goals, thereby enhancing the likelihood of their future employability.

Youth Work Skills Program

A state funded program to provide employment and training to economically disadvantaged out of school youth ages 16-19 whose reading ability is at or below fifth grade level to increase their basic skills competency and enhance their future employability.

Where can I receive more information about training opportunities?

Your local Job Service office will consider you for available state-funded training programs in which you may be interested and, depending on local opportunities, give you further information on federally funded Job Training Partnership Act programs or refer you to other agencies for that

information. (In New York City, register at the state Job Service office that specializes in the type of work in which you are regularly employed.) All offices are listed in the blue or white pages of the telephone book under New York State Department of Labor. If you are already registered for unemployment insurance and want to check on receiving benefits while attending a training course, consult your local Unemployment Insurance office.

For more information about any of these programs, call or write:

New York State Department of Labor
Job Service and Training Division
W. Averell Harriman
State Office Building Campus
Albany, N.Y. 12240-0255
(518) 457-5461

Unemployment Insurance

What is unemployment insurance?
It is a government insurance system which will give you some income if you lose your job through no fault of your own and are doing everything you can to get a new one.

Who is protected by unemployment insurance?
Almost all employees in New York State are covered. In general, business employers who pay remuneration of $300 or more in a calendar quarter or who acquire the business of a liable employer must provide such coverage.

Household employers are required to protect their employees if they pay cash remuneration totaling $500 or more in a quarter; and non-profit organizations must do so if they pay cash remuneration totaling $1,000 or more in a quarter or employ at least four persons in each of 20 weeks during a year. Excluded from coverage are persons under 14 and high school students who work after school hours or during vacation periods unless employed by a non-profit organization, the State of New York, or a local government entity. All governmental employers must provide coverage. Agricultural employers are required to be covered if they pay cash remuneration of $20,000 or more in a calendar quarter or employ at least 10 persons in each of 20 weeks during a year or if they are liable under the Federal Unemployment Tax Act. Other farm workers are not covered although their employers can voluntarily cover them. Although clergymen, sextons and other persons engaged in religious functions are

excluded from coverage, the sextons and persons employed in a place of religious worship for the performance of duties of a religious nature, such as teachers at schools operated by religious organizations, can be covered on a voluntary basis.

How can I tell if my job is protected by unemployment insurance?
Every employer covered by the law (except employers of household workers) must display an official poster where employees can see it, telling them that their jobs are protected by unemployment insurance. If you believe that your employer is required to give you this protection but you do not see the poster, ask your employer about it, or write to the Liability and Determination Section, Unemployment Insurance Division, W. Averell Harriman State Office Building Campus, Albany, N.Y. 12240-0322.

If I am protected by unemployment insurance, do I have to pay any unemployment insurance tax?
No. Only the employer pays a tax. And it would be illegal for him or her to take any part of the tax out of your wages even if you agreed to let him or her do it.

If I lose my job, how do I apply for unemployment insurance?
Apply at once. Go to the nearest unemployment insurance claims office listed in the blue or white pages of the telephone book under New York State, Department of Labor.

How long must I have worked to receive unemployment insurance?
You must have had covered work in 20 different weeks out of the last 52, with wages averaging at least $80 a week. (The work does not have to be full time.) Lacking 20 weeks of work, you can still file an acceptable claim if you were employed in 15 of the last 52 weeks and in 40 of the last 104, at an average of $80 or more a week. If you are unable to meet the requirements above, and you received Workers' Compensation payments or benefits paid pursuant to the volunteer firefighters' benefit law during the 104 week period preceding the filing of your claim, you may be able to use additional weeks of employment outside the 52 or 104 week periods prior to filing your claim.

What if I am sick?
You have to be ready, willing and able to work. If you are sick, you may possibly be entitled to disability insurance but not to unemployment insurance. You have to be willing to take a job right away - and be doing everything you can to find one.

How do I show that I am ready and willing to work?
By actively looking for work: visiting prospective employers, following up newspaper want ads, checking your union and using any other job-finding methods which are common in your occupation. You must keep a record of your job contacts and be prepared to show it to the local unemployment insurance office. The local office may also refer you to the state Job Service to register for work and you will be expected to accept any suitable job to which you are referred.

Do I get unemployment insurance if I am fired or quit?
You cannot receive unemployment insurance if you quit your *last* job (a.) due to marriage (b.) without "good cause." Similarly, you are not eligible for benefits if you brought about your discharge from your last job or were fired from your last job for misconduct or if you refuse a suitable job. If you are disqualified for any of these reasons, you must work at least three days in each of five different weeks and earn at least five times your benefit rate before you can become eligible for benefits.

If you are out of work because of a strike or other labor dispute in the place where you work, you cannot receive benefits for seven weeks.

What should I take with me to the unemployment insurance office?

1) your Social Security Account Card;

2) positive identification, such as: driver's license, credit card, health insurance card, voter registration card, social service identification, etc.

3) your last unemployment insurance Reporting Book if you have applied for benefits before;

4) all Record of Employment slips from employers you have worked for in the past 52 weeks.

Every time you go off a firm's payroll, whether you are laid off or fired or you quit, the employer is required to give you a Record of Employment slip. These slips are very important because they will help you get any benefits you are entitled to without unnecessary delay. However, do not delay filing a new claim if you do not have all the necessary records; file right after you lose your job and try to obtain the records as soon as possible.

How long should I keep a Record of Employment slip after I receive one from an employer?
At least two years.

Are there any other records I should keep to protect my claim?
Yes. You should keep all the income tax withholding slips or your pay stubs you received from employers. Also, when you are working, you should keep a written week-by-week record, showing how much you earned and whom you worked for in that week.

If I am entitled to unemployment insurance, how much will I receive for each week I am out of work?
Your weekly benefits will be approximately half your usual wages, but not less than $40 a week nor more than $245 a week. (Increases to $260 on April 16, 1990; $280 on April 15, 1991; $300 on February 3, 1992.)

How long will I receive benefits?
You may receive benefits for up to 26 weeks if you are out of work and continue to meet all the rules. During periods of high unemployment, additional benefits are allowed as prescribed by federal and state regulations. Also, you may receive up to an additional 13 weeks of benefits if you are enrolled in an approved training course.

When will I receive my first unemployment insurance check?
Your first week is a waiting period and you are not paid for it. When you have completed your second week of unemployment, you are entitled to your first check. You will sign for it in your third week of unemployment and should receive the check a few days later, if your claim is in order.

If I put in a couple of days of work during a week, does that mean I cannot receive a benefit check for that week?
Not necessarily. If you work less than four days in a week and earn no more than $245, you may still be entitled to a check as part of your regular rate.

If I disagree with a local office ruling on my claim, is there anything I can do about it?
Yes. If you disagree with a ruling, you should tell the local office you want a hearing before an administrative law judge. You do not have to pay for this. Remember, however, that you must ask for a hearing no later than 30 days after the local office has ruled on your claim. Your former employer also has the right to a hearing on your claim if he wants one.

If either you, your former employer or the local office disagrees with the administrative law judge's decision, the case can be taken still higher by further appeal - to the Unemployment Insurance Appeal Board - and finally to the courts.

For more information about unemployment insurance you should contact your nearest unemployment insurance office.

Workers' Compensation

What is Workers' Compensation?
The New York State Workers' Compensation Law provides cash benefits and medical care for workers who become disabled because of an injury or sickness related to their job. If death results, benefits are payable to the surviving spouse and dependents as defined by law.

Who is entitled to collect Workers' Compensation benefits?
Those who are covered by the law include: workers in all employments conducted for profit; employees of counties and municipalities engaged in work defined by the law as "hazardous"; public school teachers, excluding New York City; public school aides, including New York City; employees of the State of New York, including some volunteer workers; domestic workers employed 40 or more hours per week by the same employer (which may include full-time sitters or companions, and live-in maids); farm workers whose employer paid $1,200 or more for farm labor in the preceding calendar year. Those who are not covered by the law include: clergy and members of religious orders; persons engaged in a teaching or non-manual capacity in or for a religious, charitable or educational institution; persons employed in certain maritime trades, interstate railroad employees, federal government employees and others covered under federal workers' compensation laws; persons, including minors, doing yard work or casual chores in and about a one-family, owner-occupied residence ("casual" means occasional, without regularity, without foresight, plan or method. Coverage is required if the minor handles powerdriven machinery, including a power lawnmower. NOTE: The Labor Law sets restrictions on employment of minors and work to be performed); employees of foreign governments; New York City police officers, firefighters, sanitation workers.

What benefits am I entitled to if injured at work or disabled by an occupational disease?

The injured worker who is eligible for workers' compensation is entitled to all necessary medical care as the nature of the injury or the process of recovery may require. The broad range of services available covers medical, osteopathic, dental, podiatric and chiropractic treatment, surgery and hospital care, x-rays, laboratory tests, prescribed drugs, authorized nursing service, and medical or surgical appliances required by the injury. The worker is free to choose any physician, podiatrist or chiropractor authorized to give medical care by the Workers' Compensation Board. The law also permits treatment of workers' compensation claimants by authorized physicians in the out-patient clinics of hospitals, health maintenance organizations, out-patient hospital burn centers and community and migrant health clinics.

Workers who are totally or partially disabled and who are eligible for cash benefits receive two-thirds of the average weekly wage, but no more than the benefit maximum set by law. The average weekly wage is based on payroll records for the year prior to the date of disability or accident. There are two benefit maximums, one for total disability and one for partial disability.

How do I file for Workers' Compensation?

An injured worker must report the injury to his or her employer promptly. This must be done within 30 days after the accident. Board form C-3, Employee's Claim for Compensation, can be obtained from the nearest board district office. The form should be completed and mailed to that district office and the claim must be filed with the board within two years of the date of accident. The injured worker will then be notified by mail if any hearings are necessary on the case.

The time limit for claim filing for all occupational diseases, except for loss of hearing, is two years from the date of the disabled worker's disability or two years from the time the disabled worker (or his or her dependents in case of death), knew or should have known that the disease was due to the nature of the employment, whichever is later.

May my employer discharge me if I claim Workers' Compensation benefits?

An employer may not discharge or otherwise discriminate against an employee over the filing of a workers' compensation claim. An employee who has testified or is about to testify in a workers' compensation proceeding is similarly protected. Violators of the law are subject to a penalty

of $100 to $500, payable to the state treasury. In addition, reinstatement, back pay, and also restoral to other privileges the employee would have had but for the discrimination may be ordered. The employer may be ordered to pay a fee for the claimant's attorney or legal representative. A discrimination complaint must be filed with the board within two years of the commission of the discriminatory action.

For more information about workers' compensation, write
Barbara Patton, Chairwoman
Workers' Compensation Board
180 Livingston Street
Brooklyn, N.Y. 11248
Or call for general information
(718) 802-6600

Disability Benefits

Can I get any insurance benefits while I am sick or disabled by an off-the-job illness or injury?
Yes. The New York State Disability Benefits Law provides temporary cash benefits to eligible wage earners disabled by injury or sickness that is not work-related.

How do I become eligible for disability benefits?
An employee is eligible if he or she is working or has recently worked for a "covered" employer for at least four consecutive weeks. Disability benefits are also provided to an unemployed claimant to replace unemployment insurance benefits lost because of illness or injury. The law excludes certain categories of employees as follows: spouse or minor child of the employer; government, railroad, maritime or farm workers; ministers, priests, rabbis, members of religious orders, sextons, Christian Science readers; persons engaged in a professional or teaching capacity in or for a religious, charitable or educational institution of a "non-profit" character; persons receiving rehabilitation services in a sheltered workshop operated by such institutions under a certificate issued by the U.S. Department of Labor; persons receiving aid from a religious or charitable institution, who perform work in return for such aid; golf caddies; daytime students in elementary or secondary school, who work part-time during the school year or their regular vacation period; corporate officers of non-profit educational, religious or charitable institutions and one or two corporate officers

who hold all of the offices and own all of the stock of a corporation with no other employees.

How much can I collect under this law?
Benefits are half of the employee's average weekly wage up to a maximum of $170 a week (effective May 1, 1989) and are payable for up to 26 weeks.

Will disability benefits cover my medical expenses?
No. Costs of medical care are not included under the law. However, many employer or union plans do provide such coverage.

How do I find out whether I am covered and how much I am entitled to?
Your employer is required to post a notice that describes the benefits to which you are entitled. In addition, if you are disabled in excess of seven days, your employer is required to supply you with a Statement of Rights under the Disability Benefits Law (form DB-271) within five days of your employer's knowledge that you are disabled.

How do I file for disability benefits?
A person who becomes disabled while employed or during the first four weeks of unemployment should file claim form DB-450 with their employer or the employer's insurance company. A person who becomes disabled after the first four weeks of unemployment should file claim form DB-300 with the Special Fund for Disability Benefits, 100 Broadway-Menands, Albany, N.Y. 12241. These forms must be properly made out by both you and your doctor and should be filed within 30 days after you become disabled.

How soon will I get my benefits?
If your claim is properly completed with your statement and the doctor's statement, you should receive the first payment within four business days after the 14th day of disability, or four business days after receipt of your claim, whichever is later. Further benefits are then payable every two weeks while disability continues. If your claim is rejected, you should receive a notice of rejection, form DB-451, within 45 days of the date your claim was filed. You then have 26 weeks in which to request a review.

Can I collect disability benefits and unemployment insurance at the same time?
No. Disability benefits are paid only while you are disabled and unable to work. Unemployment insurance is paid only while you are ready, willing and able to work.

Can I collect disability benefits if my disability is caused by or results from pregnancy?
Yes. If you are disabled because of pregnancy, you may be entitled to up to 26 weeks of benefits.

Who pays for this insurance?
Disability benefits are paid for in one of two ways: entirely by the employer, or jointly by employer and employee. If you are contributing to the cost, your contribution cannot be more than 60 cents a week unless you or your union have agreed to higher payments for additional coverage or, if you are entitled to enriched plan benefits, the employer may seek approval to deduct more than 60 cents a week.

May my employer discharge me if I claim disability benefits?
It is unlawful for an employer or the employer's duly authorized agent to discharge or in any other manner discriminate against an employee as to employment because the employee has (a) claimed or attempted to claim disability benefits from such an employer, or (b) has testified or is about to testify in a disability benefits proceeding. An employer who violates this law is liable for a penalty of not less than $100 or more than $500 to be determined by the Workers' Compensation Board. The employee so discriminated against shall be restored to employment, and shall be compensated by the employer for any loss of wages arising out of such discrimination, provided such employee is qualified to perform the duties of employment.

For more information about New York State Disability Benefits, write:

Disability Benefits Bureau
Workers' Compensation Board
180 Livingston Street
Brooklyn, N.Y. 11248-0005
Or call (718) 802-6964-5-6

Labor Relations

Does the State Mediation Board mediate labor disputes?
Yes. The State Mediation Board offers its services to labor and management in resolving labor disputes through mediation and arbitration. The board maintains offices in New York City, Albany, Syracuse and Buffalo.

Do employees have the right to join unions?
Yes. The State Labor Relations Act guarantees employees the right to form, join or assist labor organizations, and to bargain collectively with their employers through representatives of their own choosing, usually through elections conducted by the State Labor Relations Board.

Are employees who exercise this right protected by law?
Yes. It is unlawful for an employer to discriminate against employees who exercise their rights, or for the employer otherwise to interfere with the exercise of these rights. Charges of discrimination or interference may be filed with the State Labor Relations Board.

Does the State Labor Relations Act apply to domestic employees?
Yes. Effective January 1, 1977, domestic workers who are employed by a commercial agency, and are assigned by the agency to work in homes of individual persons, are covered by the act. They may join unions and bargain collectively with their employers. Note that this new legislation does not apply to domestics employed directly by an individual in his or her home, or to persons whose primary responsibility is the care of a minor or as a companion to the sick or elderly who reside in homes of private persons.

Does this apply to all employees?
Yes, with certain exceptions. The act does not apply to businesses substantially in interstate commerce which are regulated by the National Labor Relations Act. Public employees are covered by a different law.

For more information, call or write:

State Labor Relations Board

400 Broome St.
2nd Floor
New York, N.Y. 10013
(212) 219-4125

W. Averell Harriman
State Office Building Campus
Albany, N.Y. 12240-0019
(518) 457-2724

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For information about the
Job Service and Labor Department programs
visit your nearest
Job Service office or Community Service Center.